Appendix.

Section 34 of the Federal Judiciary Act of September 24, 1789 (1 Stat. at L. 92), chap. 20, 28 U. S. C. A., Sec. 725, provides as follows:

> "The laws of the several States, except where the Constitution, treaties or statutes of the United States otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply."

Section 1, New York Civil Practice Act:

> "Short title and application. This act shall be known as the civil practice act, and, except as otherwise expressly provided, shall apply to the civil practice in all the courts of record of the state."

Section 480, New York Civil Practice Act:

> "Interest to be included in recovery. Where in any action, except as provided in section four hundred eighty-a, final judgment is rendered for a sum of money awarded by a verdict, report or decision, interest upon the total amount awarded, from the time when the verdict was rendered or the report or decision was made to the time of entering judgment, must be computed by the clerk, added to the total amount awarded, and included in the amount of the judgment. In every action wherein any sum of money shall be awarded by verdict, report or decision upon a cause of action for the enforcement of or based upon breach of performance of a contract, express or implied, interest shall be recovered upon the principal sum whether theretofore liquidated or

unliquidated and shall be added to and be a part of the total sum awarded."

Section 480-a, New York Civil Practice Act:

"Interest in actions upon policies of life insurance. In any action brought to recover upon a policy of insurance issued by any life insurance company doing business within the state, interest upon the sum recovered by the plaintiff, from the date of the receipt by the company of the completed proof of death of the insured, shall be included in the judgment entered upon the verdict, report or decision to the date thereof."

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MAY 9 1942
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM—1941.

No. 1229

KLAXON COMPANY,

Petitioner,

v.

STENTOR ELECTRIC MANUFACTURING COMPANY, INC.

Petition Re Record.

To the Honorable the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

This case when previously considered under the October Term 1940, #741, was heard on 10 copies of the record which accompanied the petition for certiorari.

Only the certified record was retained by the Clerk, the 9 copies used by the Justices having since been distributed to Libraries. There are no other copies.

Petitioner prays that the petition for writ of certiorari filed May 8, 1942 may be considered on

(1) The original certified record now on file with the Clerk, and

(2) Copies of the Supplemental Record from the Clerk of the Circuit Court of Appeals showing the proceedings below since the opinion of this Court was filed.

(3) That printing of the original record may be dispensed with, at least until the further order of the Court, particularly in view of the need for conservation of paper in the present emergency.

Respectfully submitted,

JOHN THOMAS SMITH,
Counsel for Petitioner.